

Remarks/Arguments

Claims 1-5 are rejected, and claims 6 and 8-14 are subject to a restriction requirement in the final Office Action of March 27, 2006. Claim 1 is amended herein to correct a typographical error. Claims 6 and 8-14 are withdrawn from consideration.

Re: Election/Restriction

Claims 6 and 8-14 are subject to a restriction requirement which has been made final in the final Office Action of March 27, 2006. Accordingly, claims 6 and 8-14 are withdrawn from consideration.

Re: Claims 1-2 and 5

Claims 1-2 and 5 are rejected under U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,801,787 issued to Schein et al. (hereinafter, "Schein") in view of U.S. Patent No. 6,058,430 issued to Kaplan (hereinafter, "Kaplan"). Applicant respectfully traverses this rejection for at least the following reasons.

One of ordinary skill in the art would have absolutely no motivation to combine the cited references in the manner proposed by the Examiner. As such, the instant rejection is the product of impermissible hindsight reconstruction, and should be withdrawn. It is first noted that independent claim 1 defines:

"In a stand-alone internet receiver for receiving internet data and analog program information including first program guide information, coupled to a stand-alone digital video receiver for receiving digital program information including second program guide information, a method for forming a combined program guide comprising steps of:

receiving the first program guide information from a first signal source;

receiving the second program guide information from the stand-alone digital video receiver, wherein the stand-alone digital video receiver receives the second program guide information from a second signal source;

integrating the first program guide information with the second program guide information to form the combined program guide; and

outputting data representative of the combined program guide to a display device.”

As indicated above, independent claim 1 defines a method for forming a combined program guide using a stand-alone internet receiver coupled to a stand-alone digital video receiver. In formulating the instant rejection, the Examiner relies on cable box 16 of Schein as corresponding to the claimed “stand-alone internet receiver” (see pages 3-4 of final Office Action). The Examiner admits, however, that cable box 16 of Schein fails to receive internet data (see page 4 of final Office Action). To cure this deficiency, the Examiner then relies on Kaplan. In particular, the Examiner proposes modifying cable box 16 of Schein to receive internet data through the vertical blanking interval (VBI) of the analog signal received by cable box 16, as taught by Kaplan (see page 5 of final Office Action). This proposed modification, however, would be counter-intuitive to one of ordinary skill in the art since it would prevent cable box 16 from receiving program guide information via the VBI and thereby at least partially defeat one of the primary objectives of Schein, namely, the ability to receive and process program guide information from multiple sources including cable box 16. More specifically, modifying cable box 16 of Schein to use scan lines 10 through 20 of the VBI to receive internet data, as taught by Kaplan (see column 4, lines 35-41), would prevent cable box 16 from using those scan lines to receive program guide information. As a result,

television schedule guide system 10 of Schein would be rendered at least partially inoperable for one of its primary objectives since cable box 16 would be unable to receive program guide information via the VBI. Accordingly, one of ordinary skill in the art would have absolutely no motivation to modify Schein in the proposed manner using the teachings of Kaplan. For this reason alone, the instant rejection should be withdrawn.

Even if Schein could be properly modified using the teachings of Kaplan, Applicant notes that cable box 16 of Schein (the alleged "stand-alone internet receiver") fails to perform all of the recited steps provided by the claimed "stand-alone internet receiver." For example, the Examiner relies on DBS source/IRD box 18 of Schein as corresponding to the claimed "stand-alone digital video receiver" (see page 4 of final Office Action). However, Applicant notes that cable box 16 of Schein does not receive program guide information from DBS source/IRD box 18. Accordingly, cable box 16 of Schein fails to perform the step of "receiving the second program guide information from the stand-alone digital video receiver" as claimed. Moreover, cable box 16 fails to integrate program guide information received from DBS source/IRD box 18 with its own received program guide information. Accordingly, cable box 16 of Schein also fails to perform the step of "integrating the first program guide information with the second program guide information to form the combined program guide" as claimed. In view of the foregoing remarks/arguments, Applicant respectfully requests withdrawal of this rejection.

Re: Claims 3-4

Claims 3-4 are rejected under U.S.C. § 103(a) as being unpatentable over Schein et al. in view of Kaplan, and further in view of U.S. Patent No. 6,219,839 issued to Sampsell (hereinafter, "Sampsell") . Applicant respectfully traverses this rejection since Sampsell is unable to remedy the deficiencies of Schein and Kaplan pointed out above. That is, Sampsell is unable to remedy the resultant problems to television schedule guide system 10 of Schein when modified in the proposed manner using the teachings of Kaplan, as described above. Sampsell is further unable to remedy the failure of Schein's cable box 16 to perform all of the claimed steps, as described above. Accordingly, Applicant respectfully requests withdrawal of this rejection.

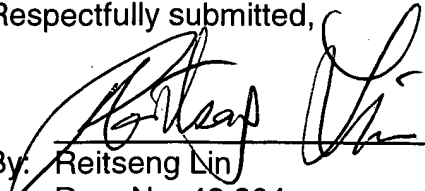
Conclusion

In view of the foregoing amendments and remarks, Applicant believes that this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Fee

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,


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May 25, 2006

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

5-25-06
Date

